

CRIMINAL COMPLAINT

United States District Court		RECEIVED	DISTRICT of ARIZONA
United States of America		MAY 6 2009	DOCKET NO.
v. Juan Cardona-Carpio DOB: xx/xx/1975; Mexican Citizen			MAGISTRATE'S CASE NO. 09-07742M
Complaint for violation of Title 18		United States Code § 111(a)(2)(b) and 1114	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:			
<p>On May 5, 2009, at or near Arivaca, in the District of Arizona, Juan Cardona-Carpio, did forcibly assault, resist, oppose, impede, intimidate and interfere with Matthew Foscue, an officer and employee of the United States Department of Homeland Security, United States Border Patrol (USBP), while said officer and employee was engaged in the performance of his official duties and did inflict bodily injury to such officer and employee; in violation of Title 18, United States Code, Section 111(a)(2)(b) and 1114.</p>			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:			
<p>On May 5, 2009 U.S. border Patrol (USBP) agents responded to sensor activity near Cantinas Reservoir, 10 miles south of Arivaca, Arizona. USBP Agents Matthew Foscue and Christopher Neathery came in contact with defendant Juan Cardona-Carpio. Cardona-Carpio admitted that he had crossed into the United States from Mexico with a group of approximately 15 individuals. As the agents attempted to handcuff Cardona-Carpio, he became resistant and punched Agent Matthew Foscue in the jaw. During the altercation, the defendant grabbed the barrel of Agent Foscue's M4 rifle and pulled it towards himself. Agent Neathery was able to secure the weapon away from the defendant. The defendant continued to resist, trying to pull Agent Foscue down. The defendant was sprayed with O.C. but continued to resist and take punches at Agent Foscue. Agent Foscue deployed his collapsible baton and struck the defendant on the leg. As Agent Foscue attempted to gain control of the defendant's arms, the defendant grabbed a large rock with both hands and threw it towards Agent Foscue. Agent Foscue suffered bruising to his face and jaw.</p>			
MATERIAL WITNESSES IN RELATION TO THE CHARGE:			
DETENTION REQUESTED		SIGNATURE OF COMPLAINANT	
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		(official title) <i>J. C. A.</i>	
LCK/hda		OFFICIAL TITLE	
Authorized by AUSA: <i>[Signature]</i>		United States Border Patrol Agent	
Sworn to before me and subscribed in my presence.			
SIGNATURE OF MAGISTRATE JUDGE ¹⁾		DATE	
<i>Jacqueline Marshall</i>		May 6, 2009	

¹⁾ See Federal Rules of Criminal Procedure Rules 3 and 54